

CHAPTER 4

WEAPONS

SECTION:

5-4-1: **DISCHARGE OF WEAPONS:**

- A. Definitions: The following definitions shall apply in the interpretation and enforcement of this section:

BOW: All bows used for target and hunting purposes as regulated and defined by Minnesota Statutes Chapter 97B. (Amended Ord. 394, 7-6-10)

FIREARM: Means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air. (Amended Ord. 394, 7-6-10)

HANDGUN: A weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. (Amended Ord. 394, 7-6-10)

IMMEDIATE

FAMILY: All persons related to the landowner which includes the children, siblings, grandchildren and their respective spouses. (Amended Ord. 394, 7-6-10)

RIFLE: A shoulder weapon with a long grooved barrel that uses the energy of the explosive in a fixed metallic cartridge to fire only a single projectile (bullet). (Amended Ord. 394, 7-6-10)

SHOTGUN: A shoulder weapon with a smooth bored barrel or barrels which utilizes gunpowder or any other burning propellant and discharges more than one projectile at a time, except when using ammunition containing a single slug or a combination

of both a single slug and shot in the same shotshell. For the purposes of this Ordinance, a muzzleloader, as regulated by the State of Minnesota, shall be considered a shotgun. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999; amd. 2003 Code; Amended Ord. 394, 7-6-10)

- B. For the purposes of this Ordinance, except Section D.2., "Firearms" and "Handguns" do not include a device firing or ejecting a shot measuring .18 of an inch or less in diameter, commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys. Notwithstanding these exceptions, all other state laws and City Ordinances regarding the use of these items shall apply. (Ord. 394, 7-6-10)
- C. Compliance With Provisions: No person shall discharge at any time a firearm or bow upon or onto any land or property within the city except as provided by this section.
- D. Prohibited Discharges:
 - 1. No person shall discharge a firearm within five hundred feet (500') of any residence or a bow within one hundred fifty feet (150') of any residence except with the permission of the property owner. (Amended Ord. 394, 7-6-10)
 - 2. No person shall discharge a firearm or bow on public property owned or operated by the city, county, state or school district.
 - 3. The discharge of a rifle or handgun utilizing a solid projectile shall not be allowed within the city.
- E. Permitted Discharges; Restrictions:
 - 1. Written permission by the property owner shall be given to any person prior to the discharge of a firearm or bow on his/her property.
 - 2. When recreational target shooting is conducted, the projectile shall be directed at a target with a backstop of sufficient size, strength and density to stop and control the projectile. (Amended Ord. 394, 7-6-10)
 - 3. When discharging a firearm or bow, the projectile shall not carry beyond the property line. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999)

4. All hunting shall be conducted in compliance with the regulations of the State of Minnesota. (Ord. 394, 7-6-10)

F. Hunting Restrictions and Zones Established: The City of Andover Hunting Map attached to this Ordinance and on file in the office of the City Clerk shall establish zones where the discharge of firearms or bows are permitted. Said map and language contained and stated on the map shall become part of this section. No discharge of firearms or bows for the purpose of hunting shall be permitted except in compliance with the regulations of the State of Minnesota, the designated areas established on the City of Andover Hunting Map, the restrictions of this section and the following (Ord. 394, 7-6-10):

1. Restricted Zone North:

a) A minimum property size of ten acres is required for the discharge of firearms for the purpose of hunting or target shooting. (Ord. 394, 7-6-10)

b) A minimum property size of 2.5 acres is required for the discharge of a bow for the purpose of hunting or target shooting. (Ord. 394, 7-6-10)

2. Restricted Zone South:

a) A minimum property size of forty acres is required for the discharge of firearms for the purpose of hunting deer. (Ord. 394, 7-6-10)

b) Permit To Hunt Deer:

1. Permit Required: An individual annual or seasonal permit is required by the city for the discharge of firearms for the purpose of hunting deer with a shotgun (slug only) in Restricted Zone South. Only landowners or immediate family members as defined in this Ordinance are eligible for this permit. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999; amd. 2003 Code; Amended Ord. 394, 7-6-10)

2. Consent Of Property Owners: A request for such permit shall be accompanied by written permission from fifty percent (50%) or more of the adjacent landowners.

3. Time Limit On Acquiring Permit: Permits shall be obtained

from the city thirty (30) days prior to the opening day of firearm deer season as established by the Minnesota Department of Natural Resources.

4. Conditions Of Issuance: Such permit shall only be issued under the terms consistent with this section and all applicable state and federal laws and regulations concerning the hunting of deer via firearm and discharge of firearms shall occur no closer than one-quarter (1/4) mile from any urban development, park or institutional use. (Amended Ord. 394, 7-6-10)

c) A minimum property size of ten acres is required for the discharge of firearms for the purpose of hunting geese during Early Goose Season and waterfowl during the Regular Waterfowl Season as regulated by the State of Minnesota. (Ord. 394, 7-6-10)

d) A minimum property size of 2.5 acres is required for the discharge of a bow for the purpose of hunting or target shooting. (Ord. 394, 7-6-10)

3. Prohibited Zone:

a) The discharge of firearms and bows are prohibited. (Ord. 394, 7-6-10)

G. Exemptions From Provisions:

1. The provisions of this section shall not apply to the discharge of firearms, rifles or handguns when done in the lawful defense of persons or property. No part of this section is intended to abridge the constitutional right to keep and bear arms.

2. The City Council may approve an exemption to this section to allow the discharge of firearms and bows for the sole purpose of managing and controlling wildlife populations, provided the hunt has received the support from the Minnesota Department of Natural Resources.

H. Violation; Penalty: Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to state law. (Amended Ord. 240, 10-6-1998, eff. 1-1-1999)